

II. REMARKS

Formal Matters

Claims 11 and 12 are pending after entry of the amendments set forth herein.

Claims 2-7, 11 and 12 were examined. Claims 2-7 were rejected. Claims 11 and 12 were allowed.

Claims 2-7 are canceled without prejudice to renewal, without intent to acquiesce to any rejection, and without intent to surrender any subject matter encompassed by the canceled claims. Applicants expressly reserve the right to pursue any canceled subject matter in one or more continuation and/or divisional applications.

Applicants respectfully request reconsideration of the application in view of the remarks made herein.

Allowable subject matter

Applicants note with gratitude that claims 11 and 12 were deemed allowable.

Rejection under 35 U.S.C. §112, first paragraph

Claims 2-7 were rejected under 35 U.S.C. §112, first paragraph, as allegedly lacking enablement.

The Office Action stated that the specification does not reasonable provide enablement for making a deletion in the entire range of 15 kb to 3000 kb. Applicants respectfully traverse the rejection. Applicants' reasons for traversal of this rejection have already been made of record, e.g., in the amendment, filed on March 22, 2004 and responsive to the September 23, 2003 Office Action.

Nevertheless, and solely in the interest of expediting prosecution, claims 2-7 are canceled without prejudice to renewal.

Applicants submit that the rejection of claims 2-7 under 35 U.S.C. §112, first paragraph, has been adequately addressed in view of the remarks set forth above. The Examiner is thus respectfully requested to withdraw the rejection.

III. CONCLUSION

Applicants submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number ABGX-001 CON3.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: Oct. 21, 2004

By:


Paula A. Borden
Registration No. 42,344

BOZICEVIC, FIELD & FRANCIS LLP
1900 University Avenue, Suite 200
East Palo Alto, CA 94303
Telephone: (650) 327-3400
Facsimile: (650) 327-3231